

Docket No. 3048-7049US1

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JCS72 U.S. PTO  
10/014470

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Wade Hennessey  
Palo Alto, California

(2)

Additional inventors are listed on a separate sheet

For: **A REAL-TIME COMPUTER "GARBAGE COLLECTOR"**

Enclosed Are:

67 page(s) of specification  
1 page(s) of Abstract  
4 page(s) of claims  
5 sheets of  Formal  Informal drawings  
1 page(s) of Declaration and Power of Attorney

Unsigned  
 Newly Executed  
 Copy from prior application  
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:

- The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))  
Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- Microfiche Computer Program (Appendix)
  - page(s) of Sequence Listing
  - computer readable disk containing Sequence Listing
  - Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- Assignment Papers (assignment cover sheet and assignment documents)
  - A check in the amount of \$40.00 for recording the Assignment
  - Charge the Assignment Recordation Fee to Deposit Account No. 13-4503, Order No. \_\_\_\_\_.
  - Assignment Papers filed in the parent application Serial No. 08/274,923 (COPY ATTACHED)
- Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).
  - Certified Copy of Priority Document(s) [\_\_\_\_\_]
    - filed herewith
    - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
  - English translation document(s) [\_\_\_\_\_]
    - filed herewith
    - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.
- Information Disclosure Statement
  - Copy of [\_\_\_\_\_] cited references
  - PTO Form-1449
  - References cited in parent application Serial No. 08/274,923, filed July 13, 1994.
- Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
  - A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.
  - A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.
  - A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.
- Preliminary Amendment

Return receipt postcard (MPEP 503)

This is a  continuation  divisional  continuation-in-part of prior application serial no. 09/274,923, filed July 13, 1994, to which priority under 35 U.S.C. §120 is claimed.

Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).

The status of the parent application is as follows:

A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.

A copy of the Petition for Extension of Time in the co-pending parent application is attached.

No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.

Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.

Transfer the drawing(s) from the parent application to this application

Amend the specification by inserting before the first line the sentence:  
This is  continuation  divisional  continuation-in-part of co-pending application Serial No. 08/274,923, filed July 13, 1994.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$740.00/\$370.00
Total Claims	17- 20 =	0.x	\$18.00/ \$9.00	\$ 0.00
Independent Claims	2- 3 =	0x	\$84.00/ \$42.00	\$ 0.00
<input type="checkbox"/> Multiple Dependent Claims	If marked, add fee of \$280.00 (\$140.00)		\$	
				TOTAL: \$ 740.00

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$ \_\_\_\_\_.

A check in the amount of \$\_\_\_\_\_ in payment of the application filing fees is attached.

Charge fee to Deposit Account No. 13-4500, Order No. 3048-7049US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3048-7049US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: December 14, 2001

By:   
John E. Hoel  
Registration No. 26,279

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

Application No.	TBA
Filing Date	December 14, 2001
First Named Inventor	Hennessey
Group Art Unit	TBA
Examiner Name	TBA
Atty Docket No.	3048-7049US1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

This request is signed in compliance with 37 C.F.R. §1.33(b) and is being submitted with the application **at the time of filing**.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	December 14, 2001
Name (Print/Type)	John E. Hoel	Reg. No. (Atty/Agent)	26,279

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. §122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. §122(b)(2)(B)(iii)).**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assignment Branch  
Assistant Commissioner of Patents  
Washington, D.C. 20231

Re: **ASSIGNMENT OF KALEIDA PATENTS TO OTLC**

**CERTIFICATE OF MAILING**

I hereby certify that the attached Cover Sheet for Blanket Assignment, Assignment and Appendix A are being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner of Patents, Assignment Branch, Washington, D.C. 20231 on June 28, 1996.

By: Judith O. Morrow  
Judith Morrow